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BEFORE THE

Federal Communications Commission FCC MAIL ROOM

WASHINGTON, D.C. 20554

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In the Matter of)
)
Advanced Television Systems and)
Their Impact upon the Existing) MM Docket No. 87-268
Television Broadcast Service)

COMMENTS OF INDEPENDENT BROADCASTING COMPANY

Independent Broadcasting Company (Independent), by and through its attorneys, hereby comments on the Commission's Sixth Further Notice of Proposed Rule Making in which a proposal for television channel allotments for digital television (DTV) use.

1. Independent is the licensee of television station KOLR, Channel 10, Springfield, Missouri. KOLR is affiliated with the CBS network and is one of the few remaining family-owned television stations in the country. It has been in continual operation since 1953.

2. As a family-owned, single station entity, Independent does not have the resources to fully evaluate the technical aspects of the Commission's proposals set forth in the Sixth Further Notice of Proposed Rule Making, 11 FCC Rcd 10968 (the "Notice"). To this end, Independent generally supports the comments being filed by a group of television broadcasters and networks which have worked diligently to assemble and coordinate the views of the industry throughout the country (the "Broadcasters"). However, because every market is different, Independent wishes to add some thoughts of its own for Commission consideration.

3. It is inevitable that the migration of television service to digital should occur, and as soon as practical. But the viewing public must not be overlooked in the process and it is, after all, that segment which is the backbone of the television broadcast industry. Independent urges the Commission to coordinate the transfer to digital with the ability of the public to receive digital signals in their homes. There is no doubt that the

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quality of signal reception will improve with the advent of digital broadcasting, but there is no groundswell of complaint about the quality of NTSC signal reception. The conversion to digital will not be an easy or inexpensive transition, and every reasonable accommodation to the continued financial well-being of television service must be high in the Commission's list of priorities, if only because a sound and viable industry is able to provide a high level of service to the public.

4. Independent is not in any position to weigh the relative merits of allotment of channel 22 for its digital use or whether 23 is more appropriate, as now proposed by Broadcasters. Independent would point out, however, that the public has come to know Independent's television station as KOLR 10 and a revised channel assignment will no doubt create confusion with the public. There may not be a way to completely avoid this confusion, but again, the industry must be provided with the flexibility to minimize the disruption and to deal with the public's concerns in a manner which will facilitate orderly transition for the viewers as well. Independent also notes that KOZK, channel 21, the Springfield educational television station, and KSPR, channel 33, the ABC affiliate, are co-located on Independent's tower. It is unlikely that this tower will be able to accommodate six television antennas and so some flexibility in location of towers nearby is strongly endorsed. *Notice* at ¶ 56, 11 FCC Rcd at 10990. Independent is likewise concerned that the digital channel adjacencies proposed by the Commission as well as by Broadcasters is feasible in light of their co-location.

5. In general, Independent supports the proposal of Broadcasters to more fully utilize the spectrum than does the Commission's core frequency proposal. *Notice* at ¶¶ 19 - 27, 11 FCC Rcd at 10977 - 10980. While it is a laudable goal to replicate the existing NTSC service areas in the design of digital allotments, the Commission should permit stations which wish to maximize their digital service to do so in a manner which will not unduly disrupt provision of television service. This should be accomplished in a manner which minimizes interference with respect to *both* NTSC and digital operations. *Notice* at ¶ 39, 11 FCC Rcd at 10984.

6. Independent supports the concept of giving broadcasters the right to choose whether to use its NTSC channel, converting it to digital, or whether to use its digital allotment for that purpose, whether or not they are both in the core frequencies. *Notice* at ¶¶ 36-37, 11 FCC Rcd at 10983. It cannot be emphasized too much that the public has come to rely on Independent's service on channel 10 and Independent should be given the flexibility to choose which of the allotments would be the best vehicle for Independent to provide its services into the next century when the consumer market has the ability to receive DTV signals in meaningful numbers. Similarly, Independent supports the

proposal to give broadcasters a three- to five-year period to make that choice. *Id.* The transition will in all likelihood cause at least temporary harm to the television ratings system and the business practicalities are of great concern to Independent.

7. The Commission's proposal to permit voluntary negotiations among broadcasters with regard to DTV channel allotments, *Notice* at ¶¶ 46 - 49, 11 FCC Rcd at 10986 - 10988, with appropriate time limitations and subject to FCC approval, warrants Independent's support. However, it may be appropriate to further clarify what broadcasters can negotiate. Flexibility is to be encouraged, but some standards or other guidance from the Commission might facilitate more focused negotiations and lead to more timely implementation of the digital conversion.

8. Every effort should be made to facilitate the transition of TV translators to digital operations in a manner that will not adversely impact full-service digital conversion. *Notice* at ¶¶ 65 - 72, 11 FCC Rcd at 10994 - 10998. These operations should continue to be secondary in status to full service operations. As for LPTV operations, there does not appear to be any rational basis for treating them differently than TV translators. Although it is not germane to the issues raised in the *Notice*, Independent is constrained to point out that LPTV service is a failed experiment, clogging the airwaves with too much of too little, much as the Docket 80-90 proceeding accomplished with respect to FM service.

9. One final aspect of the Commission's proposal merits comment by Independent. *Notice* at ¶¶ 78 - 79, 11 FCC Rcd at 11000 - 11001. Labels, just as channel numbers, provide intangible benefits to television operations. Independent supports any plan which gives local broadcasters maximum flexibility to employ labels to the new digital channel assignments. In the long run, the local stations should determine which labels are to be used in each market. For example, if there are five television stations in a given market, as there are in Springfield, there is not harm in permitting the allocation of labels "1" through "5" or "A" through "E" in a market. The fact that these labels will have different meanings in different markets will have no impact on the national allotment process and may ease the public's acceptance of the difficult transition to digital.

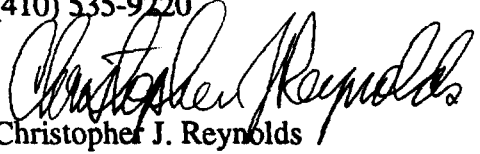
10. In sum, Independent strongly encourages the Commission to consider the consensus of the industry, as is more specifically set forth in the comments of Broadcasters, that the Commission should implement the transition to digital technology in a manner which minimizes the inevitable disruption, maximizes the television service, enabling Independent and others to provide optimal service to the public and finally to

maximize the flexibility of broadcasters to effectuate the conversion in a manner best suited to the market and to the industry.

Respectfully submitted,

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